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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,293	06/30/2004	Deborra J. Zukowski	F-822-O1	4292

919 7590 10/17/2007
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EXAMINER

ULRICH, NICHOLAS S

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,293

Applicant(s)

ZUKOWSKI ET AL.

Examiner

Nicholas S. Ulrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending.
2. Claims 1, 5, 7, 9, and 17 have been amended.
3. Claims 18-20 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts et al. (US 6119186) in view of Cheung et al. (US 2004/0061716 A1).

In regard to **claim 1**, Watts discloses a method for processing a change of state in a responsive environment comprising:

determining a type of response that the environment should provide in response to the change of state (*Fig 5b element 86c and Column 10 lines 15-16: Configuration is determined based on location change sensed by a sensor*);

defining response descriptions for the needed response instance in an application model (*Fig 5b elements 86c-86e and Column 10 lines 15-16: When looking up default configurations in order to provide the change in configuration to the end user,*

it is inherent that the response is defined based on the necessary parameters needed to convert to the changed configuration);

storing the needed inputs in the response description (Fig 5b elements 86c-86e and Column 8 lines 41-42: Based on the determined response and necessary descriptions for that response, It is inherent that during lookup of the default configuration for the sensed event, th at any necessary inputs will also be retrieved that were stored in the database that defines the configuration change);

creating a new notification (Fig 5b element 86d: it is inherent that a new notification is created to prompt the user of the change in configuration);

defining a new notification description in a notification model (Fig 5b and Column 10 lines 22-27: when prompting the user, It is inherent that prompt is defined prior to presenting to the user in order to provide descriptive material of what is about to occur to the configuration) ;

associating the response descriptions within the new notification description (Fig 5b and Column 10 lines 22-27: in order for the user to accept a configuration change, it is inherent that the defined response is included in the prompt);

Watts does not explicitly disclose providing the new notification to a notification manager, wherein the notification manager is configured to receive a plurality of new notifications for a user received over time and to receive response to the plurality of the new notifications from the user at the convenience of the user. Watts does discuss

delivering the notification to a user but does not disclose using a notification manager to deliver notifications to the user.

However, Cheung discloses providing the new notification to a notification manager (*Paragraph 0027 lines 1-3*) and wherein the notification manager is configured to receive a plurality of new notifications for a user received over time and to receive response to the plurality of the new notifications from the user at the convenience of the user (*Paragraph 0004 lines 2-5, Fig 5A, Paragraph 0029 lines 1-10, and paragraph 0035 lines 1-10*). At the time of invention, it would have been obvious to one skilled in the art to combine the teachings of Cheung to Watts invention because one would be motivated to provide a notification manager in order to allow notifications to be viewed and managed by a user as desired. (*See Cheung paragraph 0004 lines 4-5*).

Cheung's invention is directed towards a central repository for managing a plurality of notifications from a plurality of systems. Watt's invention is a responsive environment system that detects and responds to changing environmental conditions. Watt's invention also provides notification to the user of a detected environmental change, allowing for the user to accept or reject the sensed change for the system. Since Watts provides notifications, and Cheung's invention handles notifications from a plurality of systems, it is obvious that Cheung's invention can be combined with Watt's invention, in order to provide the notifications of Watt's invention to the notification repository of Cheung's invention.

In regard to **claim 2**, Watts discloses the response comprises launching an application (*Column 12 lines 60-67*).

In regard to **claim 3**, Watts discloses the response comprises effecting a further change of state (*Column 9 lines 48-52: As best understood, the response could require waiting for or receiving information from another source before changing state or environment, therefore the first response effects a further change in state when multiple events need to occur for stimulating a state change*).

In regard to **claim 4**, Watts discloses the response comprises launching an application and effecting a further change of state (*Column 9 lines 48-65*).

In regard to **claim 5**, Watts discloses determining if the response includes an immediate response event and if the response includes an immediate response event, initiating the immediate response event before providing the new notification to a notification manager (*Column 11 lines 60-63 and Fig 8 element 118 and 120: once detected use in an airplane, before a prompt is sent to the user, unnecessary systems and software are disabled*).

In regard to **claim 6**, Watts discloses the response comprises launching an application and the immediate response event comprises effecting a further change of state (*Column 11 lines 60-66*).

In regard to **claim 7**, Watts discloses a method for processing a response notification selection from a user in a responsive environment comprising:

and accessing the description for a notification object corresponding to the selection from a notification model (*Column 12 lines 54-55: In order to provide the notification to the user, it is inherent that a description of the response to be made is incorporated into the prompt to the user*)

retrieving the URI for a corresponding application (*Column 12 lines 49-67: Although Watts does not explicitly disclose using a URI, it is just one possibility for locating a program within the autolaunch list. The application must be identified somehow, so it is inherent that some form of tag or indicator is used*);

retrieving the description of the application (*Column 12 lines 52-54: The autolaunch list has descriptions of application*);

displaying information about the notification and application parameters to the user (*Column 12 lines 54-55*);

and querying the user to allow the user the opportunity to accept or reject the notification (*Column 12 lines 54-55*).

Watts fails to disclose reporting to the responsive environment that the user has selected the response notification and a list including a plurality of notifications received over time.

However, Cheung discloses user has selected the response notification (*Paragraph 0032 lines 3-4*) and a list including a plurality of notifications received over time (*Paragraph 0004 lines 2-5, Fig 5A, Paragraph 0029 lines 1-10, and paragraph 0035 lines 1-10*). At the time of invention, it would have been obvious to one skilled in the art to combine the teachings of Cheung to Watts invention because one would be motivated to provide a notification manager in order to allow notifications to be viewed and managed by a user as desired. (See *Cheung paragraph 0004 lines 4-5*).

In regard to **claim 8**, Watts discloses changing the environment context in response to the selection (*Column 10 lines 22-27*).

In regard to **claim 9**, Watts discloses changing the environment context in response to the selection comprises notifying the initiator of the initial message (*Column 10 lines 1-30*)

In regard to **claim 10**, Watts discloses terminating processing of the response notification if the user rejects the response notification (*Fig 5b and Column 10 lines 24-25: if declined, no state change is made and resumes with Home configuration. There is no discussion of an attempt to try again at a later time*)

In regard to **claim 11**, Watts discloses terminating processing comprises terminating an application (*Fig 8 element 118: Disable software*).

In regard to **claim 12**, Watts discloses querying the user to allow the user the opportunity to explicitly accept the notification (*Column 10 lines 25-27*).

In regard to **claim 13**, Watts discloses if the notification is accepted, launching the application using the application parameters (*Column 12 lines 54-55*).

In regard to **claims 14, 15, and 16**, Watts discloses querying the user to allow the user the opportunity to accept the notification and to provide input to change the application parameters, creating new application parameters, and using new application parameters when launching application (*Column 6 lines 22-28*).

In regard to **claim 17**, System claim 17 corresponds generally to method claim 1, respectively, and recites similar features in system form, and therefore is rejected under the same rationale.

In regard to **claim 18**, although Watts disclose a notification, they do not explicitly mention the use of a default implicit answer, using an expiration of a time out count, results in a selection of the default implicit answer. It is notoriously well known in the state of the art, though, to implement notifications with a time out function for selection of a default implicit answer. The examiner takes OFFICIAL NOTICE of this teaching. It would have been obvious to one of ordinary skill in the art, having the teachings of

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Watts before him, to modify the notification of Watts to include a time out function for selection of a default implicit answer, as made known in the art. For example, it well known in common operating systems, that when a reboot is required by the system, a notification is provided to the user which allows them to deny or comply with the reboot operation. If a user does not respond within a certain time out period, the system is rebooted. Therefore, a implicit answer is granted once no response has been received by the user during the time out period.

In regard to **claim 19**, while Watts teaches querying the user to allow the user the opportunity to explicitly accept the notification, they fail to show the permitting the user to further delay accepting or rejecting the notification as recited in the claims. Cheung teaches a notification repository that allows a user to delay accepting or rejecting a notification (*Paragraph 0009*). It would have been obvious to one of ordinary skill in the art, having the teachings of Watts and Cheung before him at the time the invention was made, to modify the notification taught by Watts to include the snooze of Cheung, in order to allow the user to delay accepting or rejecting a notification. One would have been motivated to make such a combination because a user may want to act on a notification at a later time.

In regard to **claim 20**, while Watts teaches providing a notification, they fail to show the notification manager comprises displaying a non-intrusive icon in a window as recited in the claims. Cheung teaches displaying an icon to indicate notifications to the

user (*Paragraph 0038*). It would have been obvious to one of ordinary skill in the art, having the teachings of Watts and Cheung before him at the time the invention was made, to modify the notification taught by Watts to include the notification manager that displays a non-intrusive icon in a window of Cheung. One would have been motivated to make such a combination because a user may be performing an important task and does not want focus to change to a new notification, as taught by Cheung (*Paragraph 0030 lines 14-17*).

Response to Arguments

5. Applicant's arguments filed 8/02/2007 have been fully considered but they are not persuasive.

With regard to applicant's argument of the improper combination of Watts and Cheung references, the examiner disagrees.

The mere fact that Watts' invention includes notifications to the user provides the motivation to combine with Cheung's invention. Cheung's invention is directed towards a central repository for managing a plurality of notifications from a plurality of systems. Watt's invention is a responsive environment system that detects and responds to changing environmental conditions. Watt's invention also provides notification to the user of a detected environmental change, allowing for the user to accept or reject the sensed change for the system. Since Watts provides notifications, and Cheung's invention handles notifications from a plurality of systems, it is obvious that Cheung's

invention can be combined with Watt's invention, in order to provide the notifications of Watt's invention to the notification repository of Cheung's invention.

With regard to applicant's arguments disputing statements of inherency, the examiner disagrees.

While Watts does not explicitly disclose defining response descriptions for the needed response instance, the operation of Watts' invention would require response descriptions for the needed response instance. When Watts' invention determines that a triggering event has occurred which causes the system to change states, a description of that change in configuration would be needed to provide the system with the correct parameters for the change in configuration.

Applicant states, "it is not at all inherent that the claimed notification system for defining and storing notifications would be used since Watts does not create a list of notifications for presentation to the user". This is correct statement in the fact that Watts does not create a list of notifications for presentation to the user. Watt's system only supplies a notification to the user when a change in environment exists. The examiner is relying upon the combination of Watts with Cheung in order to overcome the limitation of a list of notifications for presentation to the user. Cheung's invention would receive notifications generated from Watts' invention and create a list of notification for presentation to the user.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
10/9/2007
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PRIMARY EXAMINER